

OPINION
51-93

May 22, 1951 (OPINION)

INSURANCE

RE: What Property May A County Mutual Insure

Your letter of May 11, 1951 enclosing a copy of policy No. 2023 of The Kenmare Farmers' Mutual Fire and Lightning Insurance Company, purporting to insure property belonging to Renville County has been received.

After consulting the records in the Insurance Department we find that the Kenmare Farmers' Mutual is what is known as a 26-15 company, or county mutual. As a county mutual the territorial limits of the company's operation are defined by section 26-1513 and subsection 3 of 26-1502, N.D.R.C. 1943 as amended by the 1949 Supplement. Section 26-1513 as amended by the Supplement also lists the property insurable by a county mutual insurance company and the phrase applicable to the property described in this policy copy enclosed is at Number Seven of the list of property insurable and reads as follows:

7. Farm machinery and vehicles including threshing machines, combine threshers, and tractors, or other farmer owned property as described in the policy."

In our opinion this excludes tractors or any kind of graders and equipment belonging to any non-farming persons, corporations, or political subdivisions and the Kenmare Farmers' Mutual Fire and Lightning Insurance Company, both by the terms of its by-laws under Article IV, subsection 2, and section 26-1513, can insure only farmer-owned tractors and farm equipment.

The Attorney General's office concurs therefore in your opinion expressed in your letter of May 11.

ELMO T. CHRISTIANSON

Attorney General